

# **EXHIBIT 22**

RICK DEVOS

September 19, 2019

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IN THE UNITED STATES DISTRICT COURT  
  
NORTHERN DISTRICT OF CALIFORNIA  
  
SAN JOSE DIVISION  
  
SECURITIES AND EXCHANGE  
COMMISSION,  
  
Plaintiff,  
  
Case No. 5:18-cv-01603EJD  
  
-vs-  
  
RAMESH "SUNNY" BALWANI,  
  
Defendant.  
  
\_\_\_\_\_ /

VIDEOTAPED DEPOSITION OF RICK DEVOS

Taken by the Defendant on the 19th day of September 2019, at  
the offices of Warner, Norcross & Judd, 111 Lyon Street NW, Suite  
900, Grand Rapids, Michigan, at 12:08 p.m.

APPEARANCES:

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Jeffcoopersmith@dwt.com

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01:25 1 the state of Arizona." Do you see that?

01:25 2 A Yes.

01:25 3 Q Do you recall hearing or knowing the number of stores that  
01:26 4 Theranos was -- the number of Walgreens stores that Theranos  
01:26 5 was operating in during the time of the company's investment  
01:26 6 decision in October 2014?

01:26 7 A No, I do not recall.

01:26 8 Q Okay. So do you -- did you once know it and forget it, or  
01:26 9 you just can't recall whether you heard it or not as you sit  
01:26 10 here?

01:26 11 A I can't recall whether I heard it or not.

01:26 12 Q But you might have?

01:26 13 A I guess.

01:26 14 Q So can you recall anything at all that was -- any  
01:26 15 information that was conveyed during the meeting that you  
01:26 16 attended in October? I guess it was October 14.

01:26 17 A No.

01:26 18 Q Okay.

01:26 19 A I have four kids and a busy life.

01:26 20 Q All right. I understand. So you just draw a blank at this  
01:26 21 point?

01:26 22 A Yes.

01:26 23 Q Okay. I'm going to mark a new one. It's going to be DeVos  
01:27 24 Exhibit 8.

01:27 25 (At 1:27 p.m., Deposition Exhibit 8 was marked for

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01:27 1 identification.)

01:27 2 Q DeVos 8 is a document that says "RDV Corporation" at the  
01:27 3 top, and then it says "Investment Committee Notes, Monday  
01:27 4 May 11, 2015." Do you see that?

01:27 5 A Yes.

01:27 6 Q And then it says "The Investment Committee meeting was held  
01:27 7 in the 7th floor boardroom of RDV Corporation on Monday,  
01:28 8 May 11, 2015." And then below that it says "Committee  
01:28 9 Members Present," and it lists several people, including  
01:28 10 Doug DeVos, Dan DeVos, Cheri DeVos, Rick DeVos, and Michael  
01:28 11 Abraham. Do you see that?

01:28 12 A Yes.

01:28 13 Q Okay. So looking at this document can you confirm that you  
01:28 14 were in fact on the Investment Committee of RDV Corporation  
01:28 15 as of May 11, 2015?

01:28 16 A I guess so.

01:28 17 Q Because the document says it?

01:28 18 A Yeah.

01:28 19 Q But other than the document saying it, do you have any  
01:28 20 independent knowledge beyond the document that you were in  
01:28 21 fact on that committee?

01:28 22 A No, not really.

01:28 23 Q Okay. Do you recall attending Investment Committee meetings  
01:28 24 from time to time?

01:28 25 A Yes.

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01:28 1 Q Do you recall attending this one?

01:28 2 A I don't recall this one in particular, no.

01:28 3 Q Okay. Do you recall during any Investment Committee meeting

01:28 4 that you attended a discussion about Theranos?

01:28 5 A I don't.

01:28 6 Q This is going to be DeVos 9, this next one.

01:29 7 (At 1:29 p.m., Deposition Exhibit 9 was marked for

01:29 8 identification.)

01:29 9 Q Okay. Exhibit DeVos 9 is an e-mail string that starts out

01:29 10 with an e-mail from Rick DeVos to three family members, and

01:29 11 then above it a reply from Dick DeVos to the same people.

01:29 12 Do you see that?

01:29 13 A Yes.

01:29 14 Q And then it looks like you forwarded an article from

01:30 15 Bloomberg News involving an investigation of Theranos. Do

01:30 16 you see that?

01:30 17 A Yes.

01:30 18 Q And then -- did you actually review that article?

01:30 19 A I don't recall.

01:30 20 Q And then you sent it to your mom and dad and Missy DeVos; is

01:30 21 that right?

01:30 22 A Yes.

01:30 23 Q Who is Missy DeVos?

01:30 24 A My wife.

01:30 25 Q So above that Dick DeVos responded "Typical governmental

# **EXHIBIT 23**

**EXHIBIT FILED UNDER SEAL**

# **EXHIBIT 24**

**EXHIBIT FILED UNDER SEAL**

# **EXHIBIT 25**

**EXHIBIT FILED UNDER SEAL**



# EXHIBIT 26



## Theranos, Inc. Patent Portfolio Overview

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MAY 12, 2017

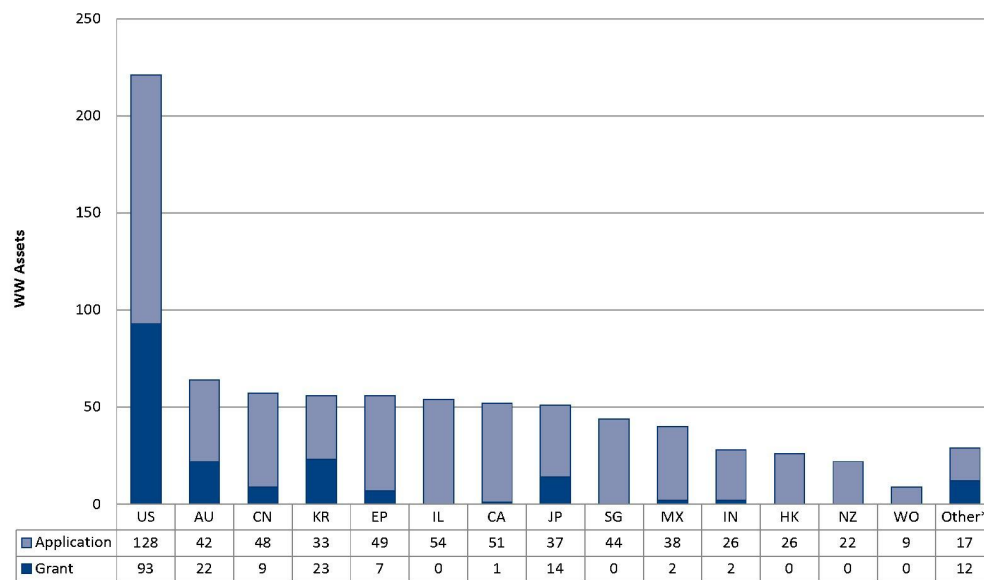
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## Theranos Patent Portfolio Overview

- **Worldwide:** Approximately 809 total assets
  - ~ 185 granted patents
  - ~ 624 pending applications
- **US:** Approximately 221 total assets
  - ~ 93 granted patents
  - ~128 pending applications

## Distribution of Theranos' Portfolio Worldwide



Source: Innography, independent analysis. Includes active assets (grants and published applications).

\*Other consists of the following additional jurisdictions: RU, TW, ES, BR, DK, AR, AT, PT.

## Theranos Patent Portfolio Strengths

- Extensive patent portfolio directed to **Automated blood/bodily fluid processing**
  - Numerous patents with broad claims and priority dates back to 2008
  - Theranos can use these patents to target competitors
- Patents in other areas also provide opportunities for monetization
  - **Assay methods**
  - **Centrifuge design**
  - **Real-time influenza detection**

## Theranos Patent Portfolio Strengths (continued)

- **Automated blood/bodily fluid processing**
  - Numerous aspects of testing methods and apparatuses from sample collection to analytic detection to communicating results with point-of-care applications
  - More than 30 patents and numerous pending applications
  - Priority dates as early as 2005

## Theranos Patent Portfolio Strengths (continued)

- **Assay methods**

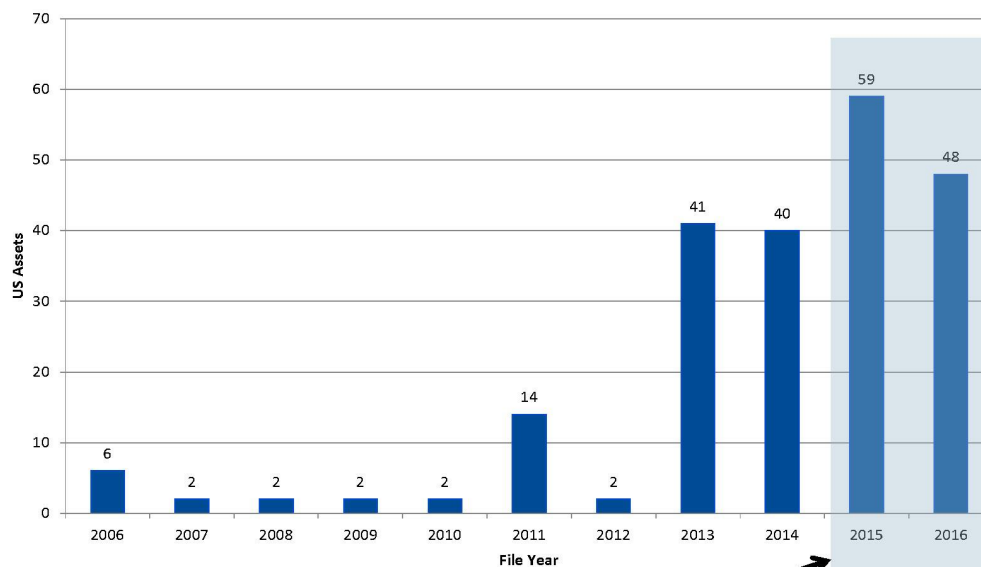
- E.g., amplifying a nucleic acid, modifying assay methods for small samples
- Approximately 12 patents and numerous pending applications
- Lengthy licensing shelf life

## Theranos Patent Portfolio Strengths (continued)

- **Centrifuge design**
  - Two issued patents and several pending applications
  - Lengthy licensing shelf life
- **Real-time influenza detection**
  - Two issued patents and at least one pending application
  - Priority dates as early as 2006



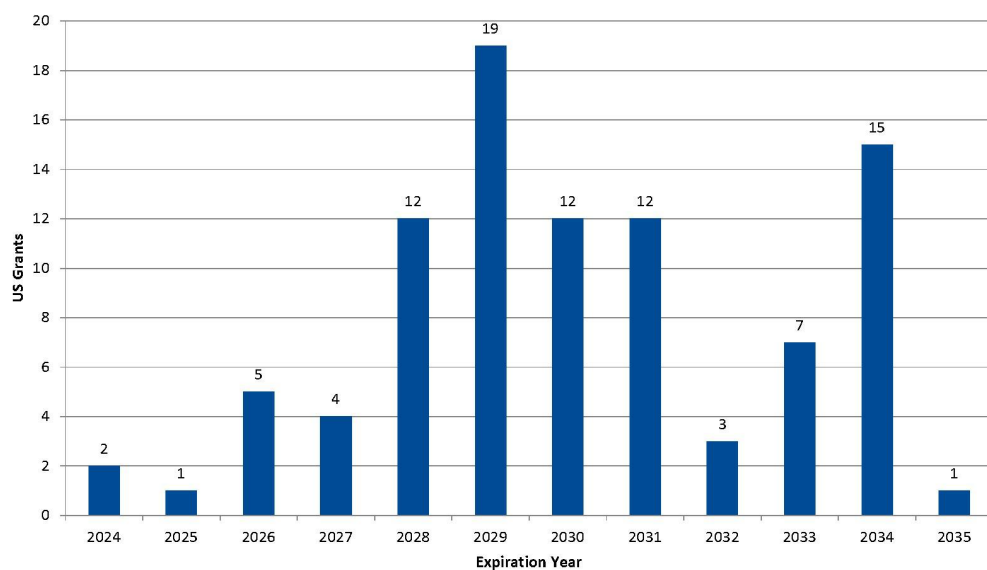
## Theranos Portfolio Filing Trends (U.S. Assets)



Lag due to 18 month publication rule

Source: Innography, independent analysis. Includes active assets (i.e., grants and published applications) for filings within the last 10 years.

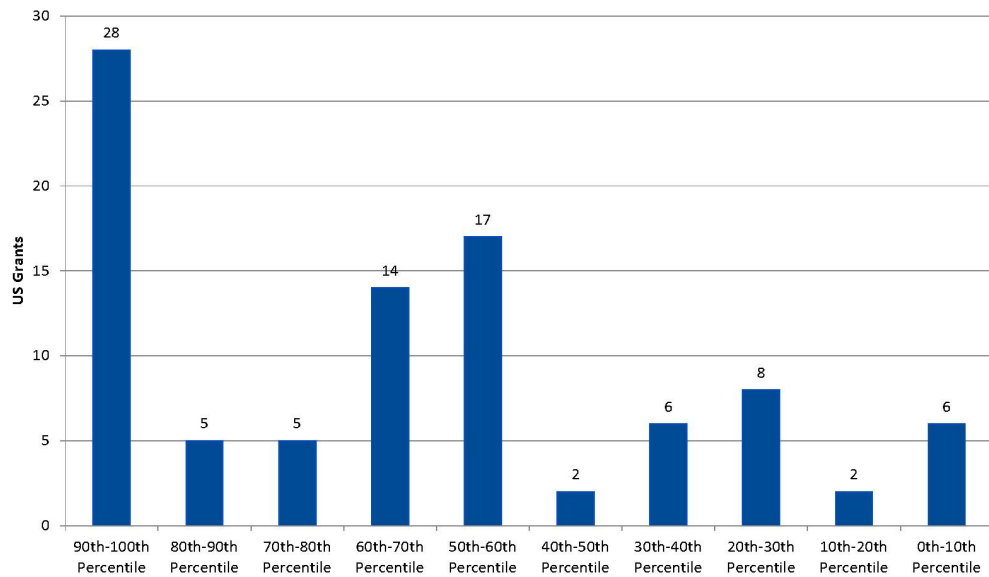
## Theranos Portfolio Expiration Histogram (U.S. Patents)



Source: Innography, independent analysis. Includes active US grants.

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## Theranos Portfolio Innography Strength Ranges



Source: Innography, independent analysis. Includes active grants. Strength Ranges are based on Innography's proprietary algorithm designed to identify (objectively) the strength of a patent.

## Theranos' Top 10 Class Codes

Theranos' Top 10 CPC with Description	Asset Count
G01N0033530400: Reaction Vessels	63
G06F0019343700: Medical Simulation Or Modelling	47
G01N0033569830: Viruses	37
G01N0021760000: Chemiluminescence Bioluminescence	31
A61B0005073000: Intestinal Transmitters	30
G01N0033542000: With Steric Inhibition Or Signal Modification	29
G01N0033569720: White Blood Cells	26
G01N0033860000: Involving Blood Coagulating Time Or Factors, Or Their Receptors	26
G01N0035106500: Multiple Transfer Devices	23
G06F0019366000: Acquisition Of Data Related To Laboratory Tests	21

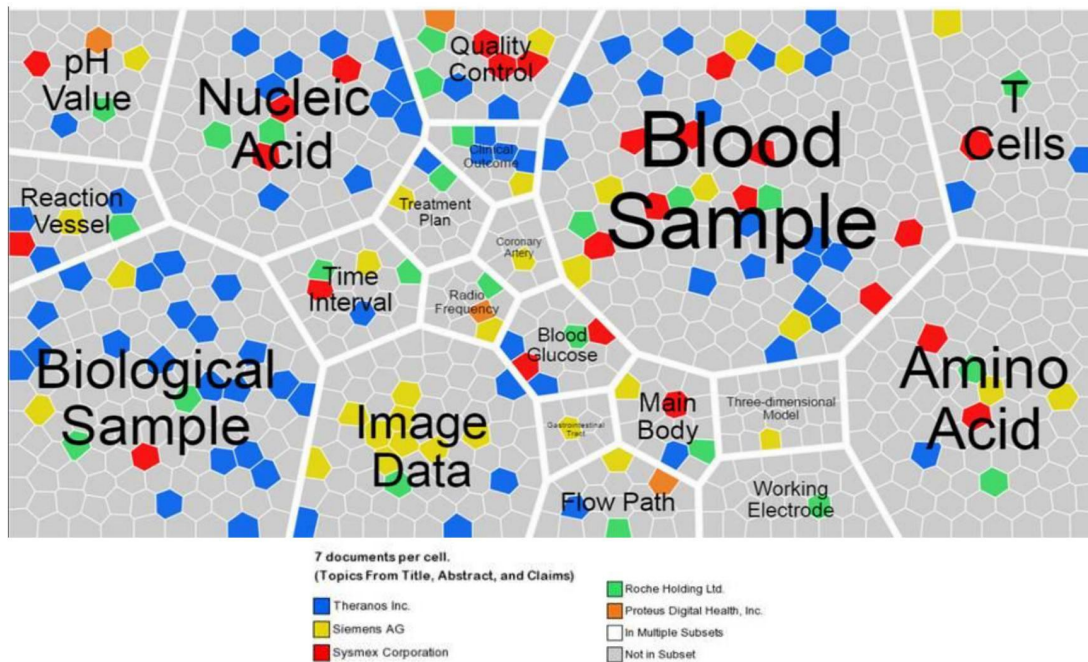
Top 10 CPC codes are based on WW active assets (i.e., grants and published applications).  
Source: Innography.

## Top 20 Assignees for Theranos' Top 10 Class Codes

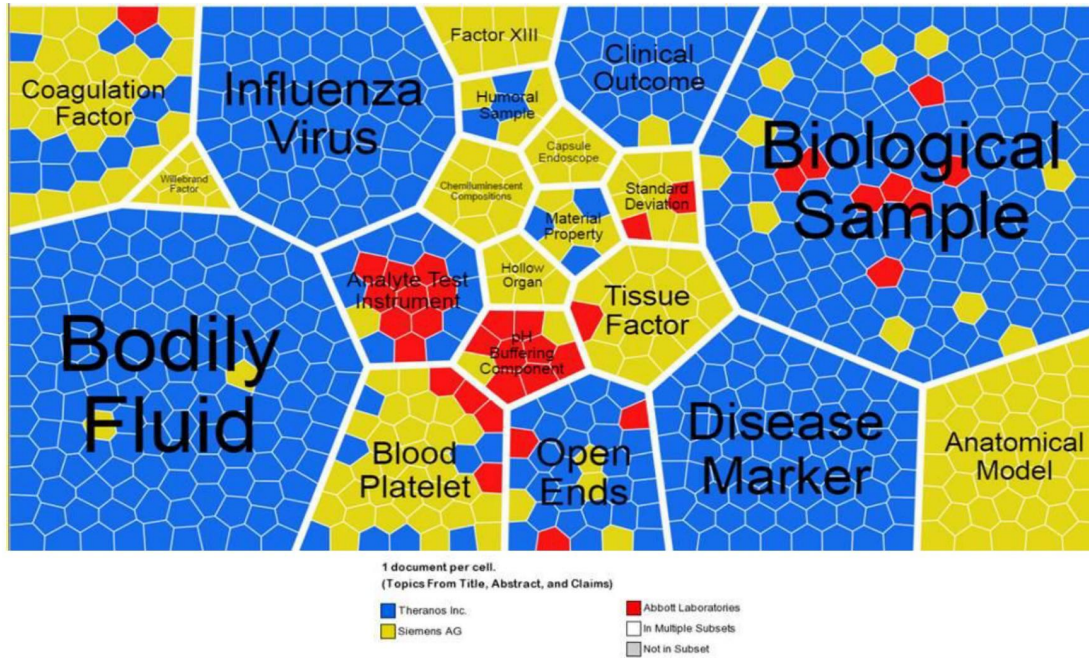
Rank	Ultimate Parent	Asset Count
1	Theranos Inc.	333
2	Others	254
3	Siemens	228
4	Sysmex	150
5	Roche Holding	144
6	Proteus Digital Health	98
7	Olympus Corporation	90
8	Johnson & Johnson	80
9	Koninklijke Philips	77
10	Danaher	73
11 (tie)	Heartflow	72
11 (tie)	Medtronic	72
13	Meso Scale Technologies	59
14	Hitachi	55
15	Becton Dickinson	49
16	University Of California	43
17	Abbott Laboratories	42
18 (tie)	Bio-Rad Laboratories	40
18 (tie)	Thermo Fisher Scientific	40
20	Biogen	37

Top 10 CPC codes are based on WW active assets (i.e., grants and published applications).  
Source: Innography. Unassigned are assets without recorded assignments at the national  
PTOs. Source: Innography.

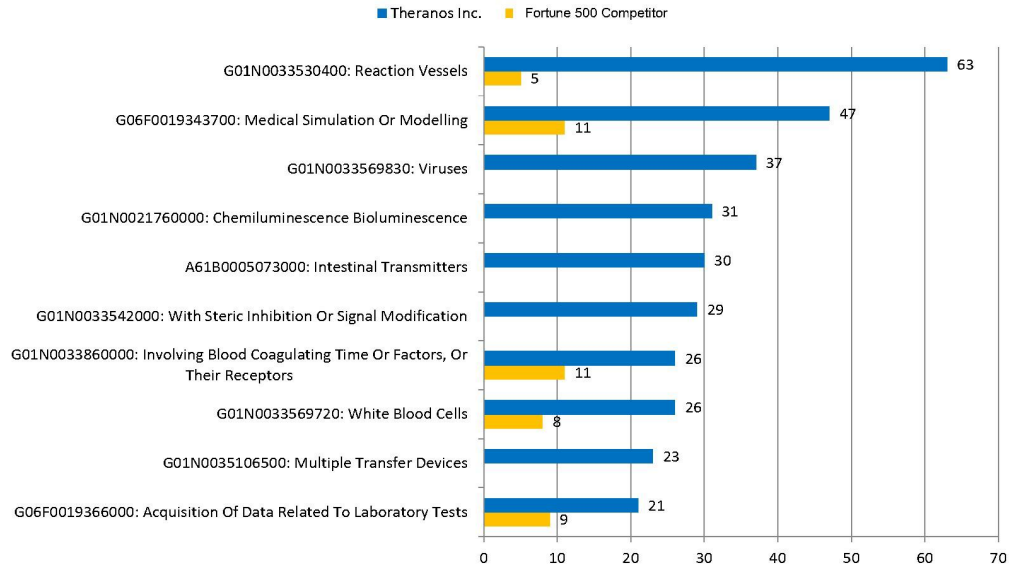
## The Landscape: Theranos' Patent Assets by Concept



## The Landscape: Theranos, Abbott and Siemens



## Comparison To Fortune 500 Medical Product Competitor



Top 10 CPCs are based on WW active assets (i.e., grants and published applications).  
Source: Innography and independent analysis.



## Numerous Entrants In Point-of-Care Diagnostics

- Abaxis
- Abbott
- Atlas Genetics
- Beckman Coulter
- Biosurfit
- Fluxenergy
- mBio Diagnostics
- Radisens Diagnostics
- Roche
- Siemens
- Vantix Diagnostics